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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. NO. 315/2007
IN
O.A. NO. 2159/2002**

New Delhi this the 5th day of March, 2008

**Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)
Hon'ble Mrs. Chitra Chopra, Member (A)**

Shri V.K. Sinha,
Secretary General (on Deputation),
Indian Roads Congress,
New Delhi-110022.

... Petitioner

(By Advocate Shri Soumyajit Pani)

Versus

Shri Brahm Dutt,
Secretary,
Department of Road Transport
And Highways,
Ministry of Shipping,
Road Transport & Highways,
Parliament Street No.1,
Transport Bhawan,
New Delhi-110001.

... Respondent.

(By Advocate Shri T.C. Gupta)

O R D E R

Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J).

This Contempt Petition arises from OA 2159/2002. A decision of the respondents had been successfully subjected to challenge. A writ petition had been filed as WP (C) No. 5549/2004, and the High Court had, on 18.8.2006, upheld the directions issued by the Tribunal. The order of the respondents dated 6.8.1998, by which second and third respondents had been promoted to the post of Chief Engineer, had been set aside and with a direction to set right the seniority list, as a preliminary step for considering the claims of the applicant for promotion to the post of Addl. Director General, and also for consideration of his induction as a Member of the National Highway Authority of India.



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2. During the pendency of the writ petition, it appears that on an ad hoc basis, the applicant had been brought to the category of Additional Director General, and it is admitted as of now, that a revised seniority list had been drawn, and the applicant had been appropriately given position. The contempt petition, however, was moved, as the applicant had felt that the respondents were practically subjecting him to harassment to give vent to the feelings of resentment, which would have been there. Especially, the proceedings dated 02.01.2008 filed along with the rejoinder affidavit had been pressed into service to show the lingering animosity. The order indicated that the applicant would function full time only as Secretary General, Indian Roads Congress, New Delhi and was to cease to function as Additional Director General in the Department of Road Transport and Highways. The attempt was to nip his claim both for functioning as an Additional Director and by shunting him to a Society, eventually his credentials for being considered for posting as a Member in the Highway Authority of India could not have been thwarted.

3. Prima facie, we found that there was grievance, as it is conceded that even after the disposal of the writ petition upholding the orders of this Tribunal, the private respondents, who had been obviously unduly preferred during the year 2002, had been continuing in the higher posts, and the applicant was not being given the full fruits of his labour, and was practically treated as an out cast.

4. Of course, Mr. Soumyajit Pani submits that against the deputation arrangements, an application is filed and is pending before this Tribunal. Therefore, we are not examining the propriety or legality of the issue. But, however, we were not happy with a manner in which it had been

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notified that he was to sever his connections with a Department and was to confine himself to the post of Secretary General of a Society albeit under the Ministry of Shipping, Road Transport and Highways. We hope this was not a deliberate act or a conspiracy. Obviously, this posting would have eventually affected his rights and even led to an inference that the directions are not complied with in true letter and spirit; such a conduct is not expected of an executive authority.


5. Mr. T.C. Gupta appearing for the respondents, however, submits that there was no secondary treatment, as alleged and the posting was in public interest and in spite of the deputation arrangement, the applicant would have continued as belonging to Central Engineering Service, Group 'A' Service, and is deemed as continuing in the cadre of Additional Director General. At our behest, an affidavit also has been filed by Mr. Braham Dutt, Secretary, Department of Road Transport & Highways substantially making submissions in line with the stand conveyed to us by Mr. Gupta.

"That the Applicant who belongs to Central Engineering Service Group 'A' Service would continue to be borne on the cadre of his parent service as Additional Director General and that his deputation to Indian Road Congress would not have any impact on his seniority in the cadre as Additional Director General and that further he would be eligible for promotion to the post of Director General (Road Development) & Special Secretary on his turn (if otherwise found eligible).

6. In view of the above, assurance though brought about by some effort of cajolement, we do not think that there is justification for us to continue with the proceedings. The notices to the respondents are discharged. We are sure that the respondents will duly take note the judgment and orders, in its true letter and spirit and there will not be

any mischievous arrangements whereby the purport of the findings are defeated. Parties to bear their own costs.


(CHITRA CHOPRA)
MEMBER (A)


(M. RAMACHANDRAN)
VICE CHAIRMAN (J)

'SRD'